

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Laura H.W. Chung

Plaintiff,

vs.

ZS Associates, Inc.
Arun Shastri,

Defendants.

05 11258 WGY

CIVIL ACTION NO.

MAGISTRATE JUDGE

RBC

RECEIPT #

45060

AMOUNT \$

SD

SUMMONS ISSUED

yes

LOCAL RULE 4.1

WAIVER FORM

MCF ISSUED

BY DPTY. CLK

ROM

COMPLAINT AND DEMAND FOR TRIAL BY JURY

DATE

6/16/05

Jurisdiction

1. Jurisdiction of Count I is conferred by 28 U.S.C. 1331, as these Counts arise under the laws of the United States.
2. Jurisdiction of Count II-IV is further conferred by pendent and/or supplemental jurisdiction pursuant to 28 U.S.C. 1367.

Parties

3. The Plaintiff, Laura H.W. Chung ("Chung"), is a citizen of the Commonwealth of Massachusetts, Middlesex County.
4. The Defendant, ZS Associates, Inc. ("ZS Associates"), is an Illinois for-profit corporation, with a principal place of business in Evanston, Illinois.
5. The Defendant, Arun Shastri ("Shastri"), is a citizen of the Commonwealth of Massachusetts.

Factual Allegations

6. In or around September, 2004 Chung commenced employment with ZS Associates as a Consultant in its Boston offices.
7. ZS is a global management consulting company with approximately 600 employees, headquartered in Evanston, IL.
8. At all times during Chung's employment, Shastri was/is a Principal at ZS Associates and the head of the Boston offices.
9. At all times during Chung's employment with ZS Associates all management level employees in the Boston offices, with the exception of Chung, were male.
10. Throughout ZS Associates' corporate operations, females are grossly under-represented in senior and management level positions.
11. Throughout her employment with ZS Associates, Chung was subject to disparate treatment as compared to her male colleagues in the Boston offices.
12. On several occasions Chung was criticized by Shastri for being overly "aggressive", "critical" or "negative."
13. Male employees, on the other hand, were praised for the same or similar conduct by Shastri for "keeping us on our toes" or as having "good ideas", and/or words to that effect.
14. On another occasion Shastri described a female who had been offered a position by ZS Associates in the Boston office as "aggressive", "not warm" and "overbearing." Shastri asked Chung to "make sure" she did not accept the offer, which she later declined.
15. On several occasions Shastri made negative comments concerning a female analyst who had recently returned to work after a maternity leave.

16. On at least one occasion, Shastri remarked to Chung that the Analyst should simply resign because her husband was an attorney and she therefore did not need to work.
17. Shastri additionally described this female employee as "abrasive" and "negative" and not suited to consulting because she had a child.
18. Shastri assigned this female employee to work under Chung's supervision and instructed Chung to "test" the Analyst, stating that this was her "last chance." Shastri later became infuriated at Chung when she informed him that the Analyst was performing well.
19. On several occasions Shastri yelled at, berated, and otherwise attempted to humiliate Chung. Shastri did not treat his male employees in this manner.
20. On several occasions Shastri criticized and/or disciplined Chung for alleged conduct whereas male employees were not so treated for the same or similar conduct.
21. On one occasion in particular Shastri berated and otherwise disciplined Chung concerning an email a male colleague and Chung had sent out to the Boston office. At the time, Shastri was fully aware that the email was the result of a decision made by the more senior male colleague, yet the male colleague received no adverse treatment whatsoever.
22. On several occasions Shastri rejected suggestions made by Chung during meetings, but moments later agreed to the very same suggestions made by male colleagues.
23. On other occasions Shastri instructed Chung to engage in work better suited for an administrative assistant. This included note taking during meetings, arranging the details of a corporate retreat, and even setting up and figuring out how to use the new office coffee machine.
24. Shastri additionally had far fewer project-based interactions with Chung than with her male colleagues.

25. Shastri would constantly discuss his personal life and relationship with his wife with Chung. Upon information and belief Shastri did not engage in this conduct with male ZS Associates employees.
26. On another occasion, Shastri assigned Chung to work on a less desirable project with a client company with a female client contact. Shastri stated to Chung that he was assigning her to the project because she could “relate” to the female executive contact whom he described as a “sweet lady.”
27. On or about February 22, 2005 Chung was called into a meeting with Shastri and Julie Billingsley, Corporate Human Resources Director, whereupon her employment with ZS Associates was involuntarily terminated.
28. During the meeting, Billingsley stated to Chung that she was being terminated because she was not “working out”, that she was not “getting along” with Shastri, that all of the Managers in the Boston offices wanted her terminated, and that she was a negative influence in the office.
29. These stated reasons were all false and pretexts for unlawful employment discrimination.
30. During this meeting, Billingsley stated to Chung that there were no problems whatsoever with the quality of her work.
31. Throughout her employment at ZS Associates, Chung met and/or exceeded the legitimate performance expectations for her position, receiving positive feedback concerning her work from managers, peers and clients.
32. At the time of her involuntary termination, Chung’s annual compensation was approximately \$144,000, excluding benefits.
33. At all times during Chung’s employment with ZS Associates, Shastri was a

managerial/supervisory employee.

34. On or about March 2, 2005 Chung filed a Charge of Discrimination with the Massachusetts Commission Against Discrimination ("MCAD") and the United States Equal Opportunity Commission ("EEOC") against ZS Associates and Shastri concerning the above acts of discrimination.
35. Subsequent to ZS Associates receiving Chung's MCAD/EEOC Charge, she received a letter dated March 24, 2005 from Billingsley stating that ZS Associates was curtailing her severance pay and demanding the return of her signing bonus.
36. ZS Associates has, in fact, discontinued Chung's severance payments.
37. The stated reasons for these actions, violations of company policy, were false and a pretext for unlawful retaliation for the filing of Chung's MCAD/EEOC Charge.
38. The above acts of ZS Associates and Shastri have caused Chung to suffer lost income, lost income earning capacity, personal injury including severe emotional distress, and to otherwise be damaged.

COUNT I
Title VII of the 1964 Civil Rights Act, as Amended
42 U.S.C. 2000e, et seq.
Chung v. ZS Associates

39. The above described acts of discrimination against Chung on the basis of sex had the purpose or effect of injuring her in the terms and conditions of her employment.
40. The above described acts of discrimination had the purpose or effect of unreasonably interfering with Chung's work performance or creating an intimidating, hostile, or offensive working environment.

41. Chung was additionally subject to retaliation for opposing unlawful discrimination and/or for otherwise asserting rights under this section.
42. Defendant's stated conduct was willful, malicious, in bad faith, outrageous, and/or extraordinary, thereby giving rise to an award of punitive damages.

WHEREFORE, the Plaintiff, Laura H.W. Chung, demands judgment against ZS Associates in an amount reasonably calculated to adequately compensate her for her injuries, together with punitive damages, interest, reasonable attorney's fees, and the costs of this action.

COUNT II
Mass.G.L. c. 151B
Discrimination and Harassment
Chung v. all Defendants

43. The Plaintiff adopts by reference all above allegations, and further alleges:
44. All conditions precedent regarding this Count have been complied with.
45. The above described acts of discrimination against Chung on the basis of sex had the purpose or effect of injuring Chung in the terms and conditions of her employment.
46. The above described acts of discrimination had the purpose or effect of unreasonably interfering with Chung's work performance or creating an intimidating, hostile, or offensive working environment.
47. Defendant's stated conduct was willful, malicious, in bad faith, outrageous, and/or extraordinary, thereby giving rise to an award of punitive damages.

WHEREFORE, the Plaintiff, Laura H.W. Chung, demands judgment against all Defendants in an amount reasonably calculated to adequately compensate her for her injuries, together with punitive damages, interest, reasonable attorney's fees, and the costs

COUNT III
Mass.G.L. c. 151B
Retaliation
Chung v. ZS Associates

48. The Plaintiff adopts by reference all above allegations, and further alleges:
49. All conditions precedent regarding this Count have been complied with.
50. In addition to the above-described discrimination, Chung was subject to retaliation for opposing unlawful discrimination and/or for otherwise asserting rights under this section.
51. Defendant's stated conduct was willful, malicious, in bad faith, outrageous, and/or extraordinary, thereby giving rise to an award of punitive damages.

WHEREFORE, the Plaintiff, Laura H.W. Chung, demands judgment against all ZS Associates in an amount reasonably calculated to adequately compensate her for her injuries, together with punitive damages, interest, reasonable attorney's fees, and the costs of this action.

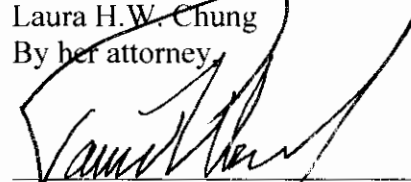
COUNT IV
Intentional Interference with a Contract
Chung v. Shastri

52. The Plaintiff adopts by reference all allegations herein, and further alleges:
53. Through his above stated actions, Shastri knowingly and intentionally induced ZS Associates to break or alter its at-will employment contract with Chung, and a breaking or altering of said contract by ZS Associates in fact occurred, causing Chung to lose contractual rights, including her employment.
54. The above said acts of Shastri were wrongful or improper in their ways and/or means because said acts were made without any rational basis, in bad faith, with malice, with a discriminatory animus, and were otherwise improper.

WHEREFORE, the Plaintiff, Laura H.W. Chung, demands judgment against Shastri in an amount reasonably calculated to adequately compensate her for her injuries, together with interest, and the costs of this action.

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS

Respectfully submitted,
Laura H.W. Chung
By her attorney,



Paul F. Wood, BBO No. 565195
Law Office of Paul F. Wood, P.C.
45 Bowdoin Street
Boston, MA 02114
(617) 532-2666

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Laura H.W. Chung

(b) County of Residence of First Listed Plaintiff Middlesex
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Paul F. Wood, Law Office of Paul F. Wood, PC, 45 Bowdoin Street,
Boston, MA 02114 (617) 532-2666

DEFENDANTS

ZS Associates, Inc.,
Arun Shastri

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
42 USC 2000e, et seq

Brief description of cause:
Discrimination and retaliation in employment/gender

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE:

DOCKET NUMBER:

DATE

06/16/2005

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Laura H.W. Chung v. ZS Associates, Inc.
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 12 for AO 12 for patent, trademark and copyright cases
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
YES ☐ NO ☒
If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
YES ☐ NO ☐
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
YES ☐ NO ☒
A. If yes, in which division do all of the non-governmental parties reside?
Eastern Division ☐ Central Division ☐ Western Division ☐
B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
Eastern Division ☒ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Paul F. Wood, Law Office of Paul F. Wood, PCADDRESS 45 Bowdoin Street, Boston, MA 02114TELEPHONE NO. (617) 532-2666